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#### Federal Circuit Court of Appeals Rules in Favor of Knobbe Martens Client, Smith & Nephew, Inc.

##### Date

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Knobbe Martens Olson & Bear LLP, one of the largest intellectual property law firms in the U.S., announced that the U.S. Court of Appeals for the Federal Circuit issued an important ruling in favor of its client, Smith & Nephew, Inc., a global leader in orthopedic reconstruction. In an 18-page precedential opinion, the Court ruled that a patent owned by a Smith & Nephew competitor, Synthes (U.S.A.), on an orthopedic bone plate is invalid.

The Federal Circuit's opinion reverses an earlier decision by the Patent Office which had upheld many of the patent claims. The Court held: "While the 'substantial evidence' standard of review for the Board's factual findings makes Smith & Nephew's burden on appeal a heavy one, we are satisfied, after careful review, that Smith & Nephew has met that burden and has shown that the claims at issue would have been obvious." Synthes had asserted the same patent against Smith & Nephew in U.S. district court in the Eastern District of Pennsylvania. That lawsuit was halted pending the outcome of the Federal Circuit's decision.

The Knobbe Martens team who handled the appeal were partners Joseph R. Re and Christy G. Lea.

#### About Smith & Nephew, Inc.:

Smith & Nephew is a multinational medical equipment manufacturing and medical technology business dedicated to helping improve people's lives. With leadership positions in Orthopedic Reconstruction, Advanced Wound Management, Sports Medicine and Trauma, Smith & Nephew has almost 10,500 employees and a presence in more than 90 countries.

#### About Knobbe Martens:

With over 275 lawyers and scientists nationwide, Knobbe Martens Olson & Bear LLP dedicates its practice to all aspects of intellectual property law including litigation. Consistently ranked among the top intellectual property firms worldwide, Knobbe Martens serves a diverse group of clients from multinational corporations to emerging businesses of all stages. Headquartered in Orange County, California, Knobbe Martens also has

offices in San Diego, Los Angeles, Riverside, San Francisco, Silicon Valley, Seattle and Washington, D.C. More information about the firm can be found at [www.knobbe.com](http://www.knobbe.com).

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